

NOTICE OF CITY OF SUGAR LAND ORDINANCE NO. 1660

AMENDING THE CODE OF ORDINANCES CHAPTER 4 (LICENSES, PERMITS, AND BUSINESS REGULATIONS) TO PROVIDE FOR RESIDENTIAL RENTAL PROPERTY LICENSES; PROVIDE FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$500.00 FOR VIOLATIONS THEREOF; AMENDING CHAPTER 2 (ADMINISTRATION) TO PROVIDE FEES FOR RESIDENTIAL RENTAL PROPERTY LICENSES AND INSPECTIONS; AND AMENDING CHAPTER 5 (PUBLIC PROPERTY AND SERVICES) RELATING TO WATER CONNECTION SERVICES

The City of Sugar Land City Council on November 20, 2007 adopted on second consideration CITY OF SUGAR LAND ORDINANCE NO. 1660 adding a new Article VIII to read: RESIDENTIAL RENTAL PROPERTY LICENSE

Sec. 4-120. Definitions. In this Article:

Critical Violation means a violation of this code, the development code, state or federal law that is capable of causing or contributing to injury or illness of occupants.

Dwelling Unit means a building or portion of a building designed to provide independent living facilities for not more than one family and that contains bathroom facilities and not more than one kitchen.

License means a residential rental property license issued under this article.

Life safety violation means a violation of this code, the development code, state or federal law that, results in an imminent threat of death or injury to persons on the premises of a dwelling unit.

Single-family dwelling means (1) a building that contains only one dwelling unit and has open space on all sides of the building, or (2) a building that contains dwelling units located on separately platted lots that are joined to other dwelling units on one or both sides by a common wall that separates the individual dwelling units, commonly referred to as a townhouse.

Rent means the offering or leasing of a dwelling unit to an occupant other than the owner and involves the payment of a rental amount.

Sec. 4-121. License Required.

- (a) It is unlawful for any person to rent an unlicensed single-family dwelling unit to another.
- (b) It is an affirmative defense to prosecution under this Article that the single-family dwelling unit was rented for a period of less than 6 months to a person who was the immediate past owner of the dwelling unit or who will be the immediate next owner of the dwelling unit.

Sec. 4-122. License Requirements.

- (a) License applications must be made on the forms provided by the City and accompanied with the application fees.
- (b) Licenses are not assignable or transferable and are valid for one year.
- (c) A new license must be obtained within 30 days of any change in ownership of a single-family dwelling unit.
- (d) Within 30 days from the date the city receives a completed License application the City will issue a License or notify the applicant that it refuses to issue a License.

Sec. 4-123. Denial of License.

If the city refuses to issue a License, the city will give written notice of the denial to the applicant as soon as reasonably possible, but not more than 5 business days after the decision is made to deny the License. The written notice will include:

- (a) A clear statement of the reason for the city's denial; and
- (b) A statement that the applicant may appeal the denial of the License to the city's building standards commission by filing a written notice of appeal with the city within five days of the effective date of the denial.

Sec. 4-124. Revocation of License.

The city may revoke a License for repeated violations of this Code. To revoke a License the city will send written notice of the city's intent to revoke the License not less than 30 business days prior to the date of revocation. The notice will include:

- (a) A clear statement of the reason the city intends to revoke the License;
- (b) The date the revocation will become effective, which will be not less than 30 business days from the date written and
- (c) A statement that the License holder may file a written appeal of the proposed revocation to the city's building standards commission within 5 business days of the date of the notice.

Sec. 4-125. Appeals.

- (a) The city's building standards commission will hold a hearing on an appeal as soon as is reasonably possible, but not more than 15 business days after the date the appeal is properly filed. The city, the person appealing, and any other interested party, may present evidence and argument to the Commission. An audio recording of the hearing will be made.

(b) After completion of the hearing, the commission will render a written decision on the appeal that includes a summary of the evidence that supports the decision. The Commission may issue appropriate orders to implement any decision made. A copy of the written decision will be provided to the person filing the appeal.

(c) The appeal provisions in this section govern over any other conflicting provision in this Code.

Sec. 4-126. Posting of License.

A License issued pursuant to this Article must be available at a location that the occupants and City inspectors have access to.

Sec. 4-127. Inspections.

(a) Upon application or renewal of a License, the City will inspect the exterior of the single-family dwelling unit to determine and ensure that the dwelling unit is not a public nuisance or substandard and that the unit meets all zoning, health and safety requirements of the Code.

(b) Subsequent to the initial exterior licensing inspection, the City will conduct interior inspections of a single-family dwelling unit when:

(1) There is a change in occupancy;

(2) An inspector notes an exterior code violation that indicates a potential critical or life safety violation; or

(3) Requested by the occupant.

(c) An inspector may enter a single-family dwelling unit at reasonable times to inspect the dwelling unit to ensure compliance with this Code if the officer:

(1) Obtains the consent of an adult lawfully occupying the dwelling unit;

(2) Obtains the consent of the License holder for an unoccupied dwelling unit; or

(3) Obtains a warrant from a court to inspect the dwelling unit.

Sec. 4-128. Repairs.

(a) Violations noted during an inspection must be completed as follows:

(1) Life safety violations must be corrected within 24 hours of notice. Life safety violations that have been safely isolated from occupants may be repaired by the date given in the notice.

(2) Critical violations must be corrected within 72 hours of notice.

(b) To pass reinspection, all repairs must be performed in a workmanlike manner, to current industry standards utilizing materials and methods commonly associated with repairs of a similar nature and comply with this Code, the Development Code, and state and federal law.

Section 2. That Chapter 2, Article 5, Division 4, Sec. 2-136(2) is amended by adding a new subparagraph (n) to read as follows:

(n) Residential Rental Property License:

1. Single-family License . . . 80.00
2. First Inspection . . . 0.00
3. First Reinspection . . . 0.00
4. Second Reinspection . . . 50.00
5. Third and subsequent reinspections . . . 100.00
6. Replacement License . . . 6.00

Section 3. That Chapter 5, Article 8, Division 7, Sec. 5-301(c) is amended to read as follows:

(c) Service will not be supplied to any premises if, at the time of application for service,

(1) the applicant is indebted to the city for service previously supplied at the same or other address, until payment has been made or an acceptable payment agreement has been made for the indebtedness, or

(2) the property is required to have, but does not have, a valid Single-family Residential Rental Property License.

Section 4. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance shall not affect the validity of the remainder of the ordinance. Notice of the enactment of this ordinance shall be given by publishing the ordinance or its descriptive caption and penalty in the city's official newspaper one time within thirty days of passage.

Section 5. That any person found guilty of violating this ordinance may be fined not more than \$500.00 for each offense. Each day a violation continues constitutes a new offense.

Section 6. That Sections 1 and 2 of this ordinance are effective on January 1, 2008, and Sections 3 & 5 of this ordinance are effective on July 1, 2008.

Said ordinance is available in the office of the City Secretary, City of Sugar Land, 2700 Town Center Boulevard North, Suite 122, Sugar Land, Texas, (281) 275-2730, and may be examined between the hours of 8:00 o'clock a.m. and 5:00 o'clock p.m., Monday through Friday.

Glenda Gundermann, TRMC, CMC
City Secretary